

IN THE BEGINNING.....

**Smith Mountain Project
Completed in September
1963 and Reached
Minimum Power Pool in
May 1965**



Article 29 Sets the MIF

- **Weekly Minimum Average Release of 650 Cubic Feet Per Second**
- **Minimum Instantaneous Release of 60 Cubic Feet Per Second**
- **Spawning Release set each Spring by the Virginia Department of Game and Inland Fisheries for landlocked Striped Bass**

Then Problems Arose....

- Peaking resulted in loss of habitat and erosion of stream banks.
- The drought of 1980-81 and the 650 cfs MIF dropped the lake 5.5 feet by Feb. 81
- Appalachian Power sought a variance from Article 29's minimum release
- FERC and the SWCB approved the variance. New MIF 250 to 400 cfs.

General Assembly Takes Action

- In 1989 the Virginia General Assembly Creates the Virginia Water Protection Permit which serves as Section 401 Certification
- The VWP Permit Law requires the SWCB to protect instream uses by setting minimum instream flow and limiting volumes of water withdrawn

Five Power Plants seek Permits

- Attracted by the FERC mandated 650 cfs minimum release, 5 power plants seek permits to withdraw water from the Staunton River below the Smith Mountain Project in the early 1990's.
- All use cooling towers with high consumptive use
- Cumulative withdrawals of about 40 mgd
- First use of The Virginia Water Protection Permit creates a battleground to establish policy precedents.

What Happened?

- Initial permits contained conditions designed to protect fisheries with a minimum instream flowby of 30% of mean annual flow (525 cfs)
- Environmentalists appeal; say SWCB required to protect recreational boating; need 720 cfs for boating.
- SWCB reconsiders, modifies power plant permits to protect boating 720 cfs

All is well until

- In July 1998 THE DROUGHT begins.
- By October 1998 Lake is down 3.5 feet
- Thousand's of new lakefront property owners now have a keen interest in high Lake Levels
- AEP asks for variance to maintain hydropower viability and protect public safety. (Submerged tree tops @ 787' msl)

But What about.....

- If we give AEP a variance the new power plants are not allowed to take water because the flow will drop below their min requirement
- Governor, FERC and SWCB intervene. Variances for everyone.
- Implementation takes from mid October 1998 to Mid December 1998.

Long Term Fix Needed

- Article 29 amended May 19, 2000 to allow DEQ to grant 45 day variances upon request by AEP in consultation with DGIF and after appropriate public notices.
- Power Plant VWP permits modified in 2000 to include mif limits that apply when AEP gets a variance

Response to Drought Today

- AEP makes requests to DEQ in writing copies dozens of Stakeholders
- DEQ consults with DGIF and Stakeholder representatives via conference call
- No public notices or public comment periods required
- Request to decision generally takes four days.

Typical Variance Features

- Recreational Releases:
 - Timed to arrive during daylight in scenic river
 - Weekends during the summer
 - Holidays
 - 650 cfs
 - frequency varies according to situation
- 400 cfs in Summer
- 350 cfs in Fall and Winter

Stakeholder Groups

- Department of Game & Fisheries
- American Electric Power
- Department of Environmental Quality
- Smith Mountain Lake Association
- Downstream Industries (2)
- Downstream Riparian Environmental Organizations